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**UNITED STATES DISTRICT COURT****EASTERN DISTRICT OF TEXAS**

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OMAR LOYA, #20596-078

§

*versus*

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CIVIL ACTION NO. 4:16CV493

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CRIMINAL ACTION NO. 4:13CR8(1)

UNITED STATES OF AMERICA

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§

**ORDER OF DISMISSAL**

The above-entitled and numbered civil action was referred to United States Magistrate Judge Kimberly C. Priest Johnson. The Report and Recommendation of the Magistrate Judge (#4), which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, recommending the action be dismissed for failure to prosecute. Movant originally filed objections (#8) to the Report, stating he did not receive the Order instructing him to complete a standard Section 2255 form. On August 18, 2017, the Court gave Movant an additional sixty days in which to complete the standard Section 2255 form. That Order was returned to the Court, marked “RTS.” A search of the Bureau of Prisons website shows that Movant is “not in BOP custody.” Movant has failed to inform the Court of his current address, so it is likewise appropriate to dismiss the case for Movant’s failure to keep the Court apprised of his current address.

The Report of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration. Having made a *de novo* review of the objections raised by Movant to the Report, the Court concludes that the findings and conclusions of the Magistrate Judge are correct, and adopts the same as the findings and conclusions of the Court. Movant has failed to prosecute his case.

It is accordingly **ORDERED** that Movant's Motion to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (#1) pursuant to 28 U.S.C. § 2255 is **DISMISSED** without prejudice. All motions by either party not previously ruled upon are **DENIED**.

SIGNED at Beaumont, Texas, this 13th day of December, 2017.

A handwritten signature in black ink, reading "Marcia A. Crone", written in a cursive style.

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MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE